

House File 716 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 192)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the military division and the homeland
2 security and emergency management division of the department
3 of public defense concerning the activation and use of the
4 civil air patrol, the authority of the adjutant general to
5 enter into interstate agreements for use of national guard
6 personnel, and the use of the national incident management
7 system for state emergencies.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
9 HF 716
10 ec/es/25

PAG LIN

1 1 Section 1. Section 29A.1, Code 2005, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 0A. "Civil air patrol" means the civilian
1 4 auxiliary of the United States air force established by the
1 5 United States Congress in 36 U.S.C. } 40301 et seq., and 10
1 6 U.S.C. } 9441 et seq.
1 7 Sec. 2. NEW SECTION. 29A.3A CIVIL AIR PATROL.
1 8 1. The civil air patrol may be used to support national
1 9 guard missions in support of civil authorities as described in
1 10 section 29C.5 or in support of noncombat national guard
1 11 missions under section 29A.8 or 29A.8A.
1 12 2. Requests for activation of the civil air patrol shall
1 13 be made to the commander of the Iowa wing of the civil air
1 14 patrol. Missions shall be in accordance with laws and
1 15 regulations applicable to the United States air force and the
1 16 civil air patrol. Prior to activation of the civil air
1 17 patrol, the adjutant general or the Iowa civil air patrol wing
1 18 commander shall apply to the air force rescue coordination
1 19 center, the air force national security emergency preparedness
1 20 agency, or the civil air patrol national operations center for
1 21 federal mission status and funding.
1 22 3. If an operation or mission of the civil air patrol is
1 23 granted federal mission status and assigned an accompanying
1 24 federal mission number, the following shall apply:
1 25 a. The operation or mission shall be funded by the federal
1 26 government.
1 27 b. When training or operating pursuant to a federal
1 28 mission number, members of the civil air patrol shall be
1 29 considered federal employees for the purposes of tort claims
1 30 arising from the performance of the mission or any actions
1 31 incident to the performance of the mission.
1 32 4. If an operation or mission of the civil air patrol is
1 33 not granted federal mission status and is not assigned an
1 34 accompanying federal mission number, the following shall
1 35 apply:
2 1 a. Operations and administration of the civil air patrol
2 2 relating to missions not qualifying for federal mission status
2 3 shall be funded by the state from moneys appropriated to the
2 4 homeland security and emergency management division of the
2 5 department of public defense for that purpose.
2 6 b. When performing a mission that does not qualify for
2 7 federal mission status, members of the civil air patrol shall
2 8 be considered state employees for purposes of the Iowa tort
2 9 claims Act, as provided in chapter 669, and for purposes of
2 10 workers' compensation, as provided in chapter 85.
2 11 Sec. 3. Section 29A.12, Code 2005, is amended to read as
2 12 follows:
2 13 29A.12 POWERS AND DUTIES.

2 14 1. The adjutant general shall have command and control of
2 15 the military division, and perform such duties as pertain to
2 16 the office of the adjutant general under law and regulations,
2 17 pursuant to the authority vested in the adjutant general by
2 18 the governor. The adjutant general shall superintend the
2 19 preparation of all letters and reports required by the United
2 20 States from the state, and perform all the duties prescribed
2 21 by law. The adjutant general shall have charge of the state
2 22 military reservations, and all other property of the state
2 23 kept or used for military purposes. The adjutant general
2 24 shall cause an inventory to be taken at least once each year
2 25 of all military stores, property and funds under the adjutant
2 26 general's jurisdiction. In each year preceding a regular
2 27 session of the general assembly the adjutant general shall
2 28 prepare a detailed report of the transactions of that office,
2 29 its expenses, and other matters required by the governor for
2 30 the period since the last preceding report, and the governor
2 31 may at any time require a similar report.

2 32 2. The adjutant general may enter into an agreement with
2 33 the secretary of defense to operate the water plant at Camp
2 34 Dodge for the use and benefit of the United States, and the
2 35 state of Iowa upon terms and conditions as approved by the
3 1 governor. The adjutant general may also enter into an
3 2 agreement with the national guard of another state for the use
3 3 of Iowa national guard personnel and equipment.

3 4 3. The adjutant general may request activation of the
3 5 civil air patrol to provide assistance to the national guard
3 6 in accordance with section 29A.3A. The adjutant general is
3 7 authorized to provide suitable space in national guard
3 8 facilities to support the civil air patrol.

3 9 Sec. 4. Section 29C.5, Code 2005, is amended to read as
3 10 follows:

3 11 29C.5 HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION.

3 12 A homeland security and emergency management division is
3 13 created within the department of public defense. The homeland
3 14 security and emergency management division shall be
3 15 responsible for the administration of emergency planning
3 16 matters, including emergency resource planning in this state,
3 17 cooperation with, ~~and~~ support of, ~~funding for, and tasking of~~
3 18 ~~the civil air patrol for missions not qualifying for federal~~
3 19 ~~mission status as described in section 29A.3A, homeland~~
3 20 security activities, and coordination of available services in
3 21 the event of a disaster.

3 22 Sec. 5. Section 29C.8, subsection 3, paragraph g, Code
3 23 2005, is amended to read as follows:

3 24 g. ~~Develop, implement, Implement and support a uniform the~~
3 25 ~~national incident command management system as established by~~
3 26 ~~the United States department of homeland security to be used~~
3 27 ~~by state agencies and local and tribal governments to~~
3 28 ~~facilitate efficient and effective assistance to those~~
3 29 ~~affected by emergencies and disasters. This system shall be~~
3 30 ~~consistent with the requirements of the United States~~
3 31 ~~occupational safety and health administration and a national~~
3 32 ~~incident management system.~~

3 33 HF 716

3 34 ec:nh/es/25